

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 CENTRAL DISTRICT OF CALIFORNIA
8

9
10 TRAVIS MARTIN CODY,

11 Petitioner,

12 v.

13 R.L. GOWER, Warden,

14 Respondent.
15

Case No. EDCV 15-1497-FMO (KK)

ORDER ACCEPTING FINDINGS
AND RECOMMENDATION OF
UNITED STATES MAGISTRATE
JUDGE

16
17 Pursuant to 28 U.S.C. § 636, the Court has reviewed Petitioner Travis
18 Martin Cody's Petition for Writ of Habeas Corpus ("Petition"), the records on file,
19 and the Report and Recommendation of the United States Magistrate Judge. No
20 objections have been filed. The Court accepts the findings and recommendation of
21 the Magistrate Judge.

22 IT IS THEREFORE ORDERED that Judgment be entered: (1) DENYING
23 Claims One and Two of the Petition; (2) GRANTING Claims Three and Four of
24 the Petition; and (3) ORDERING that the State of California, within 120 days from
25 the entry of Judgment, shall either grant Petitioner a new trial on the special
26 circumstance allegation, or vacate the special circumstance finding and sentence of
27 life without the possibility of parole and resentence Petitioner in accordance with
28 California law and the United States Constitution in the matter of People v. Travis

1 Martin Cody, Case No. INF10000236 of the California Superior Court of Riverside
2 County.

3
4 Dated: May 26, 2016

/s/

5 HONORABLE FERNANDO M. OLGUIN
6 United States District Judge
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28